

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Tahreem Khan	Team: Squad #11	CCRB Case #: 201910652	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 11/20/2018 4:00 AM	Location of Incident: § 87(2)(b)	Precinct: 75	18 Mo. SOL 5/20/2020	EO SOL 1/4/2021	
Date/Time CV Reported Thu, 12/12/2019 10:21 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 12/12/2019 10:21 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. SDS Damon Martin	04173	920558	INT CIS

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Tony Cuoco	17359	950261	075 PCT
2. POM Derick Russ	04555	949590	INT CIS
3. POM Christophe Walsh	23571	951413	INT CIS
4. POM Sean Collins	29210	954654	075 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SDS Damon Martin	Abuse: Sergeant Damon Martin entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)
B.SDS Damon Martin	Abuse: Sergeant Damon Martin searched § 87(2)(b) in Brooklyn.	§ 87(2)(b)
C.SDS Damon Martin	Abuse: Sergeant Damon Martin refused to show the search warrant to § 87(2)(b)	§ 87(2)(b)

Case Summary

On December 12, 2019, § 87(2)(b) called the CCRB and filed this complaint with the CCRB via phone.

On November 20, 2018 at approximately 4 a.m., at § 87(2)(b), in Brooklyn, Sergeant Damon Martin and his team executed a search warrant at § 87(2)(b) home (**Allegation A: Entry of Premises, exonerated**) (**Allegation B: Search of Premises, exonerated**). § 87(2)(b) asked the officers to see the search warrant, but no officer showed her that document (**Allegation C: Refusal to show search warrant, unfounded**).

§ 87(2)(b) was not arrested during this incident but was detained and transported to the 75th Precinct stationhouse, where she remained for a few hours and was released with a blank C-summons #§ 87(2)(b) (BR 11). For about one year after being issued the summons, § 87(2)(b) visited the Kings County Criminal Court for information regarding her summons. On December 13, 2019, the Kings County Criminal Court issued § 87(2)(b) a letter stating that the NYPD failed to file a legally acceptable charge against her and because of that, she no longer needed to return to court for that summons (BR 12).

Body-Worn Camera (BWC) footage, sent by the New York Police Department, was obtained on February 24, 2020.

Findings and Recommendations

Allegation (A) Abuse of Authority: Sergeant Damon Martin entered § 87(2)(b), in Brooklyn.

Allegation (B) Abuse of Authority: Sergeant Damon Martin searched § 87(2)(b), in Brooklyn.

It is undisputed that officers entered and searched § 87(2)(b) home as part of a search warrant execution on November 20, 2018, at approximately 4 a.m., at § 87(2)(b) in Brooklyn. In his CCRB interview, Detective Joseph Nicosia stated that he was the requesting officer of the search warrant; however, he was on vacation when it was executed (BR 01). His memo book entries corroborate his statement (BR 02). As Sergeant Martin was the supervising officer during the execution of the search warrant, the entry and search allegations are being pled against him.

§ 87(2)(b) (BR 03) stated that she was sleeping in her living room when she heard a loud sound come from her door. She heard someone scream “NYPD” and saw an officer kick her door open, detached it from the hinges, and entered § 87(2)(b) home. Behind that officer stood approximately five to seven additional officers, all of whom also entered the apartment and moved through the different rooms to search the premises. An officer handcuffed § 87(2)(b) when he entered her home, kept her in the living room area for approximately ten minutes, and then took her to the 75th Precinct stationhouse, where she remained for a few hours. Later the same day, § 87(2)(b) was released from the stationhouse with a blank C-summons.

Sergeant Martin (BR 04) testified that he was assigned to “Front Security,” which meant that he was tasked with securing the outside of § 87(2)(b) home. After the Emergency Services Unit (ESU) made entry into the apartment, possibly by breaking the lock, Sgt. Martin and his team entered § 87(2)(b) apartment to search the premises. By the time Sgt. Martin entered § 87(2)(b) home, she was in handcuffs. Sgt. Martin did not recall what exactly his team was looking for, as the search warrant was executed in 2018.

On December 17, 2019, the investigation requested confirmation of any search warrant executed at § 87(2)(b) in Brooklyn on November 20, 2018. On January 10, 2020, the investigation received a confirmation of Search Warrant number § 87(2)(b) that noted that the warrant confirmation was signed by a judge on § 87(2)(b). The requesting officer was Detective Nicosia, the supervising officer was Sergeant Martin, and ESU would be the entry unit.

New York State Criminal Procedure Law § 690.50 states that officers are permitted to enter a premise without notice if it is indicated on the search warrant (BR 06).

§ 87(2)(g)

Allegation (C) Abuse of Authority: Sergeant Damon Martin refused to show the search warrant to § 87(2)(b)

PO Tony Cuoco's BWC video, located in IA #76 (BR 10) was sent by the NYPD on February 24, 2020. The video is from November 20, 2018 and takes place at § 87(2)(b), in Brooklyn. The video starts outside of the apartment. The BWC video has audio, is in color, and does not appear to be edited. The video has a timestamp on the screen, and it is accurate. The video starts at the 04:15:33 mark and ends at the 05:14:39 mark. The total length of the video is 59:07. At the 00:48 mark, PO Russ and PO Cuoco shined a flashlight on a document that PO Cuoco showed § 87(2)(b). PO Cuoco notified § 87(2)(b) that the document was a search warrant, showed her that it was issued for her apartment at § 87(2)(b) and stated that it was signed by the Honorable Judge § 87(2)(b). At the 01:00 mark, § 87(2)(b) asked PO Cuoco what the warrant was for. PO Cuoco then told § 87(2)(b) that the warrant was to search the location for any paraphernalia or weapons. At the 01:05 mark, § 87(2)(b) stated that she did not have any weapons.

§ 87(2)(b) (BR 03) stated that when officers entered her home, she asked the officers in general if they had a search warrant, but none of the officers had responded to her questions. Additionally, after § 87(2)(b) was escorted out of her apartment and into a white unmarked van, an officer showed § 87(2)(b) a crumpled paper. § 87(2)(b) was not able to see her name on the document.

Sgt. Martin (BR 04) testified that he reviewed PO Cuoco's body-worn camera (BWC) footage one or two days prior to his CCRB interview. He recalled that PO Cuoco's BWC showed PO Cuoco standing in front of § 87(2)(b) holding out the search warrant in front of her face, and showed and read it to § 87(2)(b) to make sure that she understood it. In response, § 87(2)(b) asked questions along the lines of asking what the warrant was about and what the police were looking for. PO Cuoco had answered her questions.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the second CCRB complaint to which § 87(2)(b) has been a party. § 87(2)(b)
- Sgt. Martin has been a member of service for 22 years and has been a subject in 25 prior complaints with 63 allegations. Of these prior allegations, only eight allegations have been substantiated.
 - In case 200613930, the CCRB substantiated allegations and recommended charges for the entry and search of premises, and the search of person NYPD changed his disposition to not guilty.

- In case 200616696, the CCRB substantiated allegations and recommended charges for the stop and a question. The NYPD changed the disposition to no disciplinary action as it was a duplicate.
- In case 200814508 the CCRB substantiated allegations and recommended charges for the retaliatory arrest, stop, strip search, threat of force. The NYPD imposed a penalty of 15 vacation days.
- § 87(2)(g) [REDACTED]

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- On an unknown date, a Notice of Claim FOIL request was filed with the Office of the New York City Comptroller by § 87(2)(b) attorney, § 87(2)(b) for being illegally stopped, searched, and unlawfully arrested for possession of marijuana (BR 09). The related 50-h Hearings were requested on February 25, 2020 and will be added to the case file upon receipt.
- § 87(2)(b) [REDACTED]

Squad No.: _____

Investigator:	_____ Signature	_____ Print Title & Name	_____ Date
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Squad Leader:	_____ Signature	_____ Print Title & Name	_____ Date
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Reviewer:	_____ Signature	_____ Print Title & Name	_____ Date
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